

FINAL
(Approved June 12, 2003)

CRIMINAL JUSTICE SERVICES BOARD
MINUTES
May 8, 2003

Members Present

Sheriff Beth Arthur
Ms. Emily M. Bryant
The Honorable Linda Curtis
Ms. Marla Graff Decker (*proxy for Attorney General Kilgore*)
Mr. Jeffrey Dion
Ms. Helen Fahey
Chief Atlas L. "Joe" Gaskins, Chairman
Mr. Frederick A. Hodnett, Jr.
Mr. John Jabe (*proxy for Director of DOC*)
The Honorable Jerrauld C. Jones (*Director of DJJ*)
Dr. Jay Malcan
Mr. G. Jeffrey Mason
Colonel Gerald Massengill
The Honorable Robert E. Maxey, Jr.
Mr. Walter A. McFarlane
Chief Dennis A. Mook
Colonel Andre Parker
The Honorable Beverly Sherwood (*non-voting member*)
Ms. Mary Kay Wakefield
Mr. Christopher R. Webb
The Honorable Patricia L. West

Members Not Present

Mr. Thomas W. Fore, Sr.
The Honorable Sheriff Vernie W. Francis, Jr.
Judge Catherine Hammond
The Honorable Robert Hurt (*non-voting member*)
The Honorable Kenneth W. Stolle (*non-voting member*)
The Honorable Martin E. Williams (*non-voting member*)

DCJS Staff Present

Leon Baker
Ron Bessent
Joyce Bradford
Dan Catley
John Colligan
Leonard Cooke
Fran Ecker
Melissa Feeley
Dr. Paul Ferrara
Dan Gilmore
Lisa Hahn
Jim Hodgson

Joe Marshall
Laurel Marks
Robert Mathieson
Ursula Murdaugh
Mandie Patterson
Tim Paul
Doug Smith
Karen Sullivan
Janice Waddy
Amanda West
Tami Wyrick

Others Present

Dr. Marcella Fierro, Chief Medical Examiner, Department of Health
George Haudricourt, A.D.T. Security Services, Inc.
Susan B. Williams, Commonwealth's Attorneys Services Council
Patrick Harris, Virginia Chiefs of Police Association
Chip Watts, Paramounts' Kings Dominion
Henry Braxton, Paramounts' Kings Dominion

Call to Order

Chief Gaskins called the meeting to order at 11:00 a.m.

Approval of the Minutes

Chief Gaskins called for a motion to approve the minutes of the March 13, 2003 meeting. The motion was made and seconded. The minutes were unanimously approved as recorded.

Director's Report

Chief Gaskins called on Leonard Cooke for a report.

Community-Oriented Justice Conference

Mr. Cooke began by reporting on the Community-Oriented Justice Conference held in Williamsburg, April 28-29. DCJS considers this its "flagship conference." He reported that approximately 150 people attended from around the state. They participated in workshops and panel discussions on topics ranging from crime analysis to homeland security, to diversity issues in law enforcement. Mr. Cooke stated that, from the reactions he heard, the agenda was well received.

Bias-Based Policing

Next, Mr. Cooke updated the Board on the Bias Based Policing initiative.

He reported that, in conjunction with the conference, DCJS also held a meeting of the Governor's Advisory Committee on Bias Based Policing. He reminded the Board that this group was established last fall by Governor Warner to assist DCJS in implementing the provisions of legislation enacted in 2002. That legislation, House Bill 1053, directs DCJS to amend law enforcement training requirements to address bias based policing and disseminate a model policy on the subject to help police and sheriffs' departments create their own.

Mr. Cooke reported that the advisory committee gave final approval of the proposed training requirements and the model policy, both of which have been developed over the past 5 months with the committee's help. He stated that DCJS is preparing a final report for Secretary Marshall, incorporating the committee's input; and the implementation process for the amended training requirements is underway.

Mr. Cooke acknowledged that it was a pleasure for him, personally, to work with this group, which consisted of representatives from many different ethnic and religious communities as well as a number of law enforcement agencies. He commended the group and said that everyone involved worked hard and provided useful advice and insight.

Federal Budget Update

Mr. Cooke reported that, at the March meeting, he mentioned that DCJS had done some "nail biting" over whether the Congress was going to appropriate funds this year for the Byrne Formula Grant Program, which is the source of a significant amount of the federal grant money distributed by DCJS each year. He stated that, after a period of uncertainty, the Congress did act to fund the program at about the same level as the previous year, as reported in March.

Mr. Cooke reported that prospects for some DCJS grant programs do not look good for fiscal year 2004. The President has recommended substantial reductions in justice assistance funding; and the recently passed Budget Resolution, which determines the parameters that will govern appropriations later this year, seems to incorporate the President's recommendations. Depending on Congressional action over the course of the summer and fall, DCJS could see the elimination of the Juvenile Accountability Incentive Block Grant (JAIBG) program, reduction in funding through the Juvenile Justice and Delinquency Prevention Act, and the elimination of the Byrne Program and Local Law Enforcement Block Grant program. Byrne and LLEBG would be replaced by a new program, the Justice Assistance Grant Program, that would be funded at a significantly lower level than the two existing programs.

Mr. Cooke reported that Mark O'Hara of the National Criminal Justice Association was one of the presenters at the COJ conference last week. The National Criminal Justice Association (NCJA) represents state and local criminal justice interests in Washington and Mr. O'Hara monitors Congressional action. He was not optimistic about the prospects for these programs for federal fiscal year 2004. Mr. Cooke said if Mr. O'Hara is right, the impact on DCJS and its

various constituents could be substantial.

Mr. Cooke said that he will keep the Board posted as the appropriation process moves along.

Housekeeping

Finally, Mr. Cooke reported that, as a cost saving move, DCJS is transitioning to a menu-driven voicemail system for callers who dial in to the main telephone number, (804) 786-4000. He stated that the “bottom line” is that DCJS simply can’t afford to commit a staff person to phone duties all day every day, so the agency is implementing what will be an easy-to-use automated menu system. He said that he is optimistic that the new system will not hinder DCJS’ customers’ efforts to contact DCJS staff, while allowing the agency to realize some cost savings.

Chief Gaskins commended DCJS staff for an excellent annual conference.

Mr. Jerrauld Jones reported that he was privileged to serve as a member of the Bias Based Policing committee and said that he appreciated all the hard work and staff support that was provided to the committee by DCJS staff.

Certified Crime Prevention Specialist Certification Changes

Chief Gaskins called on Dan Gilmore, Director of the Crime Prevention Center at DCJS, for a report.

Mr. Gilmore briefed the Board on the history of the Certified Crime Prevention Specialist program. He said that the program was enacted by the General Assembly in 1993. The CJSB, with DCJS subsequently developed regulations to administer the program. The program is one of only five in the country that establish minimum standards for crime prevention professionals. Mr. Gilmore explained that when the program was enacted in 1993, the purview of crime prevention was in law enforcement. Consequently, those that were eligible to receive the Crime Prevention Specialist certification were limited to those that were involved in state or local law enforcement agencies. Mr. Gilmore stated that this is a voluntary program—one does not have to be certified to practice crime prevention. However, the program serves to establish a standard for the field that DCJS is very proud of. The program went “on-line” in 1995. During that time DCJS has certified approximately 350 Crime Prevention Specialists throughout the state.

Mr. Gilmore reported that crime prevention has changed over the years since the enactment of the program in 1993. Today, many people outside of law enforcement and many who are in law enforcement and not sworn, practice crime prevention. The field of crime prevention, represented primarily by the Virginia Crime Prevention Association, determined that it was time to update the program to reflect current trends in the field. In the 2002 session, a bill was introduced and passed that changes the program’s eligibility requirements. Next, DCJS is tasked with updating regulations to comply and be consistent with the new law.

Mr. Gilmore reviewed the proposed changes and referred the Board to the information detailing the changes that was distributed prior to the meeting. He encouraged the Board to provide input

to the changes in the regulations. He also said that this is an opportunity not only to update the regulations to meet the spirit of the new law, but also to update anything else that might be necessary in order to clarify or improve the regulations. He stated that DCJS will request approval for the changes from the Board late this year or early next year.

Chief Gaskins thanked Mr. Gilmore for his report.

Certified Crime Prevention Community Application—City of Newport News

Chief Gaskins called upon Mr. McFarlane for a report.

Mr. McFarlane referred the Board to the handout distributed prior to the meeting. He discussed the recommendation made at the March 13 meeting to delay action on Newport News' application until certain further information had been supplied to DCJS staff.

He reported that since the March 13 meeting, Newport News has worked closely with DCJS and has supplied all of the missing information that had concerned the subcommittee.

Mr. McFarlane stated that Newport News has a number of crime prevention programs that have been in place for a number of years. He said that they also have other programs that are new and innovative. Evaluations of the longstanding programs demonstrate their effectiveness and impact on crime prevention. He reported that, although the more recent programs cannot yet be conclusively evaluated, the subcommittee is comfortable predicting their success.

On behalf of the subcommittee, Mr. McFarlane commended Doug Smith for his "diligent, skilled, and professional work in assisting Newport News and the Subcommittee."

On behalf of the subcommittee, Mr. McFarlane commended the City of Newport News for the incredible programming that it has in place to assure that its citizenry have the benefit of cutting edge crime prevention programs.

A motion was made and seconded to accept the application from the City of Newport News, and that they be recognized as a Certified Crime Prevention Community. The motion carried unanimously with the following recusal noted: Chief Dennis A. Mook, Newport News.

Report of the Asset Forfeiture Subcommittee

Chief Gaskins called on Chief Mook for a report of the Asset Forfeiture Subcommittee.

Chief Mook reported that the subcommittee met by conference call on May 6, 2003, at 2:30 p.m. to discuss requests received by DCJS for asset forfeiture funds. Members of the subcommittee who participated in the meeting were: Sheriff Arthur, Ms. Curtis, Judge Hammond, and Chief Mook. Several DCJS staff also participated in the meeting. Chief Mook stated that State Code charges DCJS with managing the state's asset sharing program. It also provides that DCJS will

retain 10% of those assets seized for use in covering administrative costs. The remaining amount is to be used to promote state and local law enforcement activities. Use of the funds for this purpose is to be based on need and in accordance with the regulations promulgated by the Criminal Justice Services Board. Last year, the subcommittee recommended, and the Board approved, a motion that no more than 20% of available funds be dispersed. However, this year the subcommittee is recommending, because there are so few dollars available, that the Board provide an exemption to that recommendation for this year only. The subcommittee recommends that 75% of available funds be dispersed. Approximately \$100,000 is available for disbursement. Chief Mook summarized the three requests for funding that DCJS has received:

Requests for Asset Forfeiture Funds

Sheriff's Institute	\$22,591	To assist in offsetting the costs of the spring conference.
Commonwealth Attorney's Services Council	\$45,374	To fund its Top Gun and Homicide training program for prosecution and police.
Virginia Association of Chiefs of Police	\$35,000	To assist in funding the Commonwealth Youth Conference for Leadership Effectiveness and the Institute for Leadership in Changing Times.
Total Requested	<u>\$102,965</u>	(Exceeds the total available dollars.)

Chief Mook stated that the subcommittee recommends, in accordance with the 75% recommendation, that the Board fund each request at 72%, resulting in each request being funded while still staying below the 75% threshold. Chief Mook summarized the resulting funding recommendations:

Subsequent Recommendations of the Subcommittee

Sheriff's Institute	\$16,265.62
Commonwealth Attorney's Services Council	\$33,669.28
Virginia Association of Chiefs of Police	\$25,200.00
Total	<u>\$74,134.80</u>

Chief Mook concluded his report by thanking DCJS staff members for their assistance.

A motion was made and seconded to approve the recommendations of the subcommittee. The motion carried unanimously.

Consideration of Grant Applications—Byrne

Chief Gaskins called on Director Cooke for a report.

Mr. Cooke began his report by providing some background on the grant application. He reminded the Board, that in the past couple of years DCJS has had a practice of “recycling” previously awarded Byrne funds that were, for some reason, not expended by their original recipients during their grant periods. He said that these funds, referred to as “reverted” grant funds, come back to DCJS periodically and DCJS, in turn, endeavors to make these funds available to localities and the state before they “expire” and have to be returned to the federal treasury.

Mr. Cooke explained that this is done through a “One Time Special Request Fund” from which DCJS gives mini-grants for local and state law enforcement/crime prevention activities that can be completed within the relatively short time period before the funds expire. He stated that, in this case, the funds must be obligated no later than September 30, 2003.

Mr. Cooke reported that DCJS anticipates making mini-grants to as many as 91 localities and 10 state agencies. He stated that localities will be able to request up to \$5,000 in federal dollars; state agencies up to \$20,000. Recipients will have to supply the required cash matching funds; and, since they have to be able to use the funds quickly, the types of activities that can be supported should typically be one-time expenditures—for equipment, supplies, or training that can be accomplished and paid for quickly.

To streamline the use of the funds, Mr. Cooke asked that the Board approve this grant to DCJS with the understanding that the money will be used for making the mini-grants as described.

A motion was made and seconded that the Board approve Mr. Cooke’s request as stated. The motion carried unanimously.

Consideration of Grant Applications—JAIBG

Chief Gaskins called on Mr. Jim Hodgson for a report.

Mr. Hodgson referred the Board to the 16 JAIBG Grant Application Summaries distributed prior to the meeting. He reported that these applications were received after the Virginia Juvenile Crime Enforcement Coalition, the JAIBG advisory group, established funding priorities and subsequently authorized the notice of availability of funding. Mr. Hodgson stated that 3 applications are for continuation of funding: Department of Juvenile Justice (DJJ) Tracking System Modernization Project, DJJ Self-Contained Sex Offender Treatment Program, and DJJ Community-Based Sex Offender Treatment Program.

Next, Mr. Hodgson reported that 4 of the applications are from state agencies for new programs: Department of Mental Health Mental Retardation Substance Abuse Services (DMHRSAS) for a program called Mental Health Needs of Juvenile Offenders, DJJ Transitional Services Independent Living Program, DJJ Alternatives to Detention Day Reporting Center, University of Virginia Assessment on Responding to Mental Health Needs of Female Juvenile Offenders.

Mr. Hodgson reported that the remaining 9 applications are requesting funds from the Rural

Juvenile Justice Initiative: Counties of Amherst, Augusta, Campbell, Dinwiddie, Fluvanna, Isle of Wight, and Wise; and New River Valley Juvenile Detention Center and Virginia Commonwealth University.

Mr. Hodgson reported that 13 of these applications have been recommended for funding by the JAIBG funding workgroup members. The following 3 were not recommended for funding: University of Virginia, New River Valley Juvenile Detention Center, and Wise County.

Mr. Hodgson called on Mr. Hodnett to discuss an appeal brought by New River Valley Juvenile Detention Center. Mr. Hodnett explained that each applicant eligible for appeal received a fax notification on May 1, 2003 which stated that they must respond by May 7, 2003 of their intention to appeal the subcommittee's recommendations.

Mr. Hodnett reported that he, Mr. Mason, Sheriff Maxey, Jim Hodgson, Laurel Marks, Ursula Murdaugh, and Janice Waddy heard an appeal by New River Valley Detention Center prior to the CJSB meeting.

On behalf of the Appeals Subcommittee, Mr. Hodnett made the following recommendation: that the New River Valley grant request be tabled until the June meeting of the CJSB and that DCJS staff will provide technical assistance to New River Valley to re-write the budget and to address any programmatic areas as necessary.

A motion was made and seconded to approve the recommendation of the subcommittee to table the New River Valley Detention Center grant request until the June meeting. The motion carried unanimously.

A motion was made and seconded to accept and approve the remaining 13 grant applications for funding under Juvenile Accountability Incentive Block Grant Program as presented. The motion carried unanimously with the following recusals:

Mr. Jerrauld Jones	Department of Juvenile Justice
Mr. Chris Webb	Campbell County
Sheriff Robert Maxey	Campbell County

Chief Gaskins thanked Mr. Hodgson and Mr. Hodnett for their reports.

New Business

Chief Gaskins called for new business.

Mr. Hodnett reported that he, Lisa Hahn and the Private Security Services Advisory Board will meet immediately following the CJSB meeting.

Adjournment

In the absence of further business, a motion to adjourn was made, seconded, and passed unanimously. The meeting adjourned at 11:40 a.m.

Respectfully submitted:

Melissa D. Feeley

Approved:

Chief A. L. (Joe) Gaskins
Chairman

Date